Discussion Document

Proposed Import Health Standard for Fresh Cut Flowers and Foliage for Decorative Purposes

FOR PUBLIC CONSULTATION

November 2014
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Requests for further copies should be directed to:

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## Contents

**DISCLAIMER**  
III  
**CONTENTS**  
IV  
**SUBMISSIONS**  
1  
Official Information Act 1982  
2  
**INTRODUCTION**  
3  
Purpose  
3  
Background  
3  
Context  
3  
International  
3  
Domestic  
4  
**PROPOSED CHANGES TO THE IHS**  
5  
Format changes  
5  
Proposed amendments to the current IHS requirements  
6  
**REFERENCES**  
11
Submissions

The Ministry for Primary Industries (MPI) invites comment from interested parties on the proposed new import health standard (IHS) for Fresh Cut Flowers and Foliage for Decorative Purposes which is supported by this discussion document.

An IHS “specifies requirements to be met for the effective management of risks associated with importing risk goods, including risks arising because importing the goods involves or might involve an incidentally imported new organism” (section 22(1) Biosecurity Act 1993).

MPI therefore seeks comment on the proposed format and amendments to the requirements in the proposed IHS for Cut Flowers and Foliage. Submitters may also like to comment separately on other aspects of the IHS and MPI will respond to these in due course.

The following points may be of assistance in preparing comments:

- Wherever possible, comments should be specific to a particular change in IHS requirements or a question asked in this document (referencing section numbers or commodity names as applicable).
- Where possible, reasons, data and supporting published references to support comments are requested.
- The use of examples to illustrate particular points is encouraged.

MPI encourages respondents to forward comments electronically. Please include the following in your submission:

- The title of the consultation document in the subject line of your email;
- Your name and title (if applicable);
- Your organisation’s name (if applicable); and
- Your address.

Send submissions to: plantimports@mpi.govt.nz.

However, should you wish to forward submissions in writing, please send them to the following address to arrive by close of business on Thursday 4th December 2014.

Plant Imports
Plants, Food & Environment
Ministry for Primary Industries
PO Box 2526
Wellington 6140
New Zealand

Submissions received by the closure date will be considered during the development of the final IHS. Submissions received after the closure date may be held on file for consideration when the issued IHS is next revised/reviewed.
Official Information Act 1982

Please note that your submission is public information and it is MPI policy to publish submissions and the review of submissions on the MPI website. Submissions may also be the subject of requests for information under the Official Information Act 1982 (OIA). The OIA specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the OIA. Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as the information is commercially sensitive or they wish personal information to be withheld. Any decision to withhold information requested under the OIA is reviewable by the Ombudsman.
Introduction

Purpose
1. The purpose of this document is to:
   - Provide discussion around the amended format of the IHS;
   - Provide a summary and technical justification around amendments that are proposed to the IHS requirements.

Background
2. MPI is currently reviewing all IHSs with the objective to ensure these documents are clear, consistent, and that information is easy to find and understand. MPI is seeking feedback on the format of the draft standard for Cut Flowers and Foliage.

3. Alongside this review, MPI is proposing several minor changes to biosecurity requirements, which this document outlines, and MPI is seeking feedback on these proposed changes.

4. It is proposed that the following import health standards are combined into a single IHS:
   - 155.02.04 Cut Flowers and Foliage
   - Appendix 1 to 155.02.04
   - 152.09.05 Clearance of Fresh Cut Flowers and Foliage
   - Cut Flowers and Branches of *Cordyline* and *Dracaena* species from All Countries

   MPI is seeking feedback on the proposal to combine these IHSs.

Context
5. Where possible, phytosanitary import requirements are aligned with international standards, guidelines, and recommendations as per New Zealand’s obligations under Article 3.1 of the World Trade Organisation (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) (WTO, 1995), and section 23(4)(c) of the Biosecurity Act 1993.

International
6. The WTO and SPS Agreements set in place rules that protect each country’s sovereign right to take the measures necessary to protect the life or health of its people, animals, and plants while at the same time facilitating trade. It embodies and promotes the use of science-based risk assessments to manage the risks associated with the international movement of goods.

7. “The SPS Agreement will continue to guide how New Zealand sets standards and makes decisions related to biosecurity. In particular, it will be important to maintain the standards of transparency and scientific rigour required by the SPS Agreement,
and to make decisions as quickly as possible. This will encourage other countries to comply with the rules of the SPS Agreement, and also demonstrate that New Zealand’s strict controls are justified to countries that challenge them.” Balance in Trade [online reference ISBN 978-0-478-33881-2]

8. In keeping with New Zealand’s obligations under the WTO SPS Agreement, the Biosecurity Act, and the International Plant Protection Convention (IPPC), phytosanitary measures must:
   • be justified and can only be for regulated pests. The strength of any phytosanitary measure will depend on the assessment of risk, with an emphasis on the consequences of the pest establishing in New Zealand;
   • not discriminate unfairly between countries or between imported and domestically produced goods;
   • be based on international standards wherever possible, but WTO members can adopt a measure that is more stringent than an international standard, provided the measure is scientifically justified.

Note that international standards, guidelines or recommendations referred to in the WTO agreement are those of Codex, OIE and the IPPC (including regional standards developed by Asia Pacific Plant Protection Commission).

**Domestic**

9. The New Zealand biosecurity system is regulated through the Biosecurity Act 1993. Section 22 of the Act describes an import health standard (IHS) and requires all risk goods (including plants and plant products) entering New Zealand to be covered by one.

10. The Ministry for Primary Industries (MPI) is the government authority responsible for maintaining biosecurity standards for the effective management of risks associated with the importation of risk goods into New Zealand (Part 3, Biosecurity Act 1993).

11. MPI is committed to the principles of transparency and evidence-based technical justification for all phytosanitary measures, new and amended, imposed on importing pathways.
Proposed changes to the IHS

Format changes

12. The following IHSs are being combined into a single IHS:
   - 155.02.04 Cut Flowers and Foliage
   - Appendix 1 to 155.02.04
   - 152.09.05 Clearance of Fresh Cut Flowers and Foliage
   - Cut Flowers and Branches of Cordyline and Dracaena species from All Countries

When the new IHS for Cut Flowers and Foliage is issued, the IHSs listed above will be revoked.

13. The cover page of the IHS is consistent with MPI’s new format, and includes a navy blue box at the top of the spine which indicates that this IHS is issued under the Biosecurity Act 1993.

14. The Introduction (page 3) is not part of the IHS, but is provided as background and to indicate the intended general effect of the IHS.

15. Parts 1 & 2 (page 4-6) contains the general requirements which apply to all consignments of cut flowers and foliage. The wording in this part is consistent with all fresh produce IHSs in the new format. Note that it is a requirement in section 1.4(2) for all cut flowers and foliage imported under this IHS to be ‘commercially produced’. This requirement is implied by, but not specifically stipulated in the previous IHSs.

16. Part 3 (page 7-11) states and explains the different requirements that apply to the different commodity: country combinations that are listed in the Annex to Part 3. Letters and numbers have been used to reference the requirements for each specific approved combination. Unless otherwise stated in this document (points 21 to 26 below), the import requirements have not changed from the current IHS. Guidance in section 3.2 demonstrates the correct chemical calculations for devitalisation treatments.

17. The Annex to Part 3 (pages 12-22) lists the commodity: country combinations that are able to be imported (from the current Appendix 1), and is ordered according to the scientific name of the species. Reading across each row informs the reader of the countries the commodity may be imported from, and the specific requirements that need to be met in order to import the commodity from each country.

18. Appendix 1 (page 23) provides a list of definitions used in the IHS.

19. Appendix 2 (page 24) provides a place to record amendments to the IHS once it has been issued.

20. MPI welcomes comments on the format and content of the IHS:
   - Is it easy to find information within the IHS?
   - Is the information clear and concisely presented?
   - Have the current requirements been accurately conveyed?
Proposed amendments to the current IHS requirements

21. Typographical errors

It is proposed to correct the following typographical errors:

- Columbia → Columbia
- *Ageratum* *loustonianum* → *Ageratum houstonianum*
- *Banksia ericifola* → *Banksia ericifolia*
- *Banksia hookeriana* → *Banksia hookeriana*
- *Gahnia rifida* → *Gahnia trifida*
- *Macrozamia reidlei* → *Macrozamia reidlei*
- *Sansevieria guinensis* → *Sansevieria guineensis*
- *Xanthorrea australis* → *Xanthorrhoea australis*
- *Xanthorrea preissii* → *Xanthorrhoea preissii*
- *Zamia floridana* → *Zamia floridana*

MPI welcomes comments on the proposed correction of typographical errors, and highlighting of any other typographical errors in the draft IHS.

22. *Iris pseudacorus*

It is proposed to correct the following historic error:

- *Iris pseudacorus* (as listed in Appendix 1) from Malaysia, the Netherlands, Singapore, Thailand and the USA should be *Iris xiphium*.

*Iris pseudacorus*, a yellow iris, is recognised by MPI as not having the growth form or flower type used in the floristry industry. *Iris pseudacorus* is a recognised weed species, and is listed on the National Plant Pest Accord and Unwanted Organisms Register. Therefore *Iris pseudacorus* has been incorrectly included in Appendix 1 of the current IHS for import from Malaysia, the Netherlands, Singapore, Thailand, and the USA.

*Iris xiphium* (the Dutch Iris) is the common Iris used in floristry, and is the species that should be included in the IHS. MPI has reviewed documentation from the time that the current standard was issued, and it appears that *I. xiphium* was the species of Iris intended to be included in the IHS.

MPI has therefore proposed to amend the IHS to remove *Iris pseudacorus* and instead allow imports of *Iris xiphium* from Malaysia, the Netherlands, Singapore, Thailand, and the USA.

MPI welcomes comments on the proposed correction of this historic error.
23. *Achillea* spp.

It is proposed to add a devitalisation requirement for:

- *Achillea* spp. from Mexico.

As per the current Appendix 1, *Achillea* spp. cut flowers and foliage are currently considered to be propagatable from Australia (i.e. devitalisation is required), and of an unknown propagatability status from Mexico (i.e. devitalisation is not required). Investigation into the propagatable status of *Achillea* species was conducted:

- Misken (2014) and Moody (1990) state that *Achillea* species are readily propagatable from cuttings.
- The University of Maryland (MacLachlan et al. (undated)) and the University of Vermont (Perry, 2003) provide instructions for propagating *Achillea* species cuttings.

MPI has therefore concluded that *Achillea* spp. should be considered to be a propagatable commodity from both Australia and Mexico, and is proposing to amend the IHS to reflect this (i.e. that devitalisation should be required).

Devitalisation is required for propagatable commodities in order to manage the biosecurity risks associated with the goods being used (either intentionally or unintentionally) for propagative purposes.

MPI welcomes comments on this proposed addition of devitalisation requirements to the current IHS requirements.

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24. **Removal of devitalisation requirements**

It is proposed to remove devitalisation requirements for:

- *Curcuma alismatifolia* from Malaysia, Netherlands, Singapore and Thailand.
- *Gerbera* spp. from the USA.
- *Monstera deliciosa* from Australia.
- *Polystichum* spp. from Malaysia, Singapore, and Thailand.
- *Ranunculus* spp. from the Netherlands.
- *Valotta speciosa* from the Netherlands.

As per the current Appendix 1, these species of cut flowers and foliage are currently considered to be propagatable from some approved countries (i.e. devitalisation is required), and non-propagatable (or of an unknown propagatable status) from other approved countries (i.e. devitalisation is not required). There are no apparent reasons for this discrepancy in biosecurity requirements.

Devitalisation is required for propagatable commodities in order to manage the biosecurity risks associated with the goods being used (either intentionally or unintentionally) for propagatable purposes.
MPI has investigated the propagable status of each of these species, with reference to the current IHS, ICON database (Australia’s import requirements) and Moody (1990). MPI determined that none of these species are able to be readily propagated from cuttings, and has therefore concluded that these species should not be considered to be propagatable commodities (i.e. that devitalisation should not be required) from the countries listed above.

MPI welcomes comments on these proposed removals of the devitalisation requirement from the current IHS requirements.

25. *Echinops ruthenicus*

   It is proposed to remove the following specific exclusion from Australia:
   - *Echinops ruthenicus*

   All other species in the *Echinops* genus are currently permitted from Australia, and all *Echinops* species are permitted from India and the Netherlands.

   *Echinops ruthenicus* is commonly recognised as a synonym of *Echinops ritro* (The Plants List, 2013; USDA, 2014). Therefore cut flowers and foliage of *Echinops ruthenicus* are currently eligible for entry into New Zealand under its correct scientific name. MPI proposes to remove this exclusion which conflicts with the correct nomenclature.

   MPI welcomes comments on the proposal to remove the specific exclusion on importation of *Echinops ruthenicus*.

26. **Exclusions**

   It is proposed to remove the following specific exclusions from Australia. All other species in these genera are currently permitted from Australia, and all species in these genera are permitted from other countries:
   - *Erica lusitanica*
   - *Euphorbia esula*
   - *Ranunculus acris*
   - *Rosa rubiginosa*
   - *Salvia reflexa*
   - *Sedum acre*

   MPI has assessed the biosecurity risks associated with these species, and has determined that the phytosanitary measures that are applicable to the respective genera are suitable to manage the biosecurity risk.
MPI notes that these species do not have the growth form or flower type used in the floristry industry, which means they are unlikely to be imported under this IHS. However, removing these exclusions will avoid confusion in Part 3 of the IHS, and will align the import requirements for product from Australia with the requirements from other countries, in a manner consistent with the WTO SPS Agreement.

MPI welcomes comments on these proposed amendments to remove these specific excluded species from the current IHS requirements.
References


